

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-186948

DATE: August 27, 1976

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98810

MATTER OF: International Computaprint Corporation

DIGEST:

Protest to GAO is untimely where initial protest to agency was not filed within 10 working days after protester knew or should have known that bid was rejected because of nonresponsibility determination.

International Computaprint Corporation (International) protests the conduct of a preaward survey demonstration test and the subsequent award to Rocappi, Inc., under Federal Communications Commission (FCC) IFB No. 76-6, for electronic composition services. International complains of improprieties in the conduct of the preaward survey test. In administering the test, the FCC required that a prospective awardee demonstrate its ability to transcribe various materials submitted in a test package provided by the FCC, without incurring more than a minimum acceptable rate of error.

On February 3, 1976, the contracting officer issued his determination that International was nonresponsive, based upon the results of the preaward survey test. Award was made to Rocappi on March 19. On April 12, 1976, International requested a formal debriefing, which was held on April 21, 1976. At that time, the FCC provided International with its test results, including a list of errors. These events were followed by a series of Freedom of Information Act requests by International. On May 13, 1976, International wrote to the FCC, asking that the FCC correct certain scoring irregularities which International believed had been made. This was followed by a second letter dated May 26, asking for a meeting at which alleged test scoring errors might be discussed.

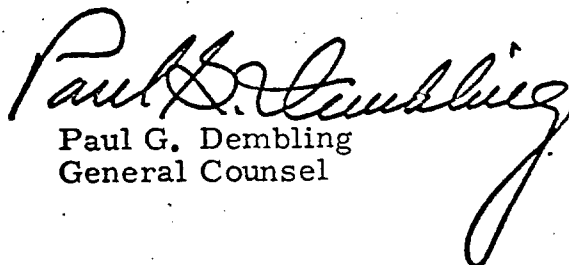
International's first formal request that the contract awarded to Rocappi be terminated, and award be made to International, is contained in its letter to the FCC dated July 1, 1976. Its protest to this Office was filed on July 13, 1976.

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The Bid Protest Procedures of this Office require that a protest such as this be filed with the contracting agency or this Office within 10 working days after the basis for the protest is known or should have been known. 4 C.F.R. §§ 20.2(a) and (b) (1976).

As indicated above, it appears that International knew not later than April 21, 1976, of the basis for rejection of its bid and pursuant to our procedures its protest was not timely filed with either the FCC or this Office within 10 days after the debriefing.

Accordingly, International's protest is dismissed.


Paul G. Dembling
General Counsel